

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on October 27, 2017, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: October 27, 2017




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

16-1030

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

In re

Christopher Basch

Debtor.

Chapter 13 Bankruptcy

Case No. 17-15479

Judge: Arthur I. Harris

**AGREED ORDER RESOLVING
OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN OF DEBTOR
/ 18606 Fairville Avenue, Cleveland, OH
44135**

This matter came on for consideration upon the Objection to Confirmation of Chapter 13 Plan (Docket #15) filed by THIRD FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND, (hereinafter "Third Federal").

The Court, being duly advised, finds that Third Federal and Debtor agree to the following which resolves the Objection:

1. That Third Federal is the holder of a mortgage claim secured only by the property located at 18606 Fairville Avenue, Cleveland, OH 44135 (the "Property"), and more fully described as:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being Sublot No. 25 in the S.H. Kleinman Realty Co.'s Oakhurst Subdivision of part of Original Rockport Township No. 3, as shown by the recorded plat in Volume 47, Page 28 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel N. 026-26-042

2. That Third Federal's mortgage on the Property was recorded on May 24, 2005, as Instrument Number 200505240489, with the Office of the Cuyahoga County Recorder.
3. That on September 29, 2017, Third Federal filed a Proof of Claim on its mortgage, Court Claim #2, in the amount of \$82,648.47.
4. That Debtor shall pay Third Federal's Proof of Claim as a secured claim in the amount of \$35,000.00 at 6.25% interest per annum, in full through his Chapter 13 plan by the Chapter 13 Trustee. The balance of Third Federal's claim of \$46,648.47 shall be paid as an unsecured claim.
5. That in addition to the \$35,000.00 secured claim noted in paragraph #4 above, the total secured amount to be paid by Debtor shall also include any additional post-petition advances made by Third Federal's for taxes, insurance and other allowable costs per the terms of the Note and Mortgage.
6. Third Federal shall file Supplemental Proofs of Claim for any post-petition advances made by Third Federal for taxes, insurance and other allowable costs. The Trustee

shall schedule said Supplemental Proofs of Claim for payment in full, without interest, subject to any timely objection by the Debtor.

7. The debt shall not be discharged until Third Federal has confirmed that the secured Proof of Claim and secured advances have been paid in full.
8. That Third Federal consents to the release of its mortgage on the Property upon completion by Debtor of his Chapter 13 plan and issuance of an Order of Discharge pursuant to 11 U.S.C. § 1328(a).
9. That within ninety (90) days from the entry of the Order of Discharge pursuant to 11 U.S.C. § 1328(a), Third Federal shall release its mortgage lien on the Property. Should Third Federal fail to timely release the second mortgage, Debtor may record this Agreed Order along with the Order of Discharge pursuant to 11 U.S.C. § 1328(a) with the Cuyahoga County Recorder to effectuate the release of the mortgage.
10. That Third Federal's mortgage shall not be released of record if Debtor's Chapter 13 case is dismissed, converted to a Chapter 7, or if Debtor fails to complete his Chapter 13 plan and receive an Order of Discharge pursuant to 11 U.S.C. § 1328(a).
11. That the Objection to Confirmation filed by Third Federal is whereby withdrawn.

IT IS SO ORDERED.

APPROVED:

/S/ Christopher P. Kennedy

CARLISLE, McNELLIE, RINI
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